

**Remarks**

Claims 1-6, 8, 10-13, 19-24, and 27 are being examined on the merits. Claims 7, 9, 14-18, 25-26 and 34-43 were previously canceled without prejudice.

In the final Office Action, the Examiner remarked that Claims 28-33 are drawn to a different invention. Applicants respectfully point out that when the elected claims are amended and become allowable, the restriction to linked inventions must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depend from or require all the limitations of the allowable linking claim must be rejoined and the restriction requirement should not be maintained (MPEP 809). As such, Applicants respectfully submits that the restriction requirement not be maintained and Claims 28-33 be rejoined and allowed.

In view of the above, Applicants respectfully request the provisional nonstatutory obviousness-type double patenting rejection be held in abeyance until Claims 28-33 are rejoined.

### **Conclusion**

In light of the remarks presented with this Amendment, Applicants respectfully submit that the pending claims provided in the Listing of Claims beginning on page 3 of this paper are in condition for allowance. Accordingly, favorable consideration for and allowance of the claims are respectfully requested.

This response is being filed within two months of the mailing date of the Office Action. No additional fees are believed due with this paper. To the extent that further fees are required, the Commissioner is hereby authorized to charge payment of said further fees to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 129843-1099.

In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicants respectfully request that the Commissioner grant such a petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account.

Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 214-999-4330. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application and/or place the application in condition for allowance.

This is intended to be a complete response to the Office Action mailed on the date of December 10, 2008.

**Conclusion**

In light of the amendments, interview summary and remarks presented with this paper, Applicants respectfully submit that their application is in condition for allowance. Favorable consideration for and allowance of the claims as presented in the Listing of Claims are respectfully requested.

This Amendment is timely filed with a request for extension of time along with the appropriate fees. It is believed that no further fees are due with this Amendment. If this is incorrect, the Commissioner is authorized to charge those additional fees, other than the issue fee, that may be required by this paper to Deposit Account No. 07-0153.

Should the Examiner have any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below. Applicants stand ready to discuss the application in order to arrive at a favorable conclusion.

Dated: February 10, 2009

Respectfully submitted,

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